**DOCKET NO: 245902US2** 

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

AYAKO KOBAYASHI : EXAMINER: NGUYEN, ALLEN H.

SERIAL NO: 10/723,603 :

FILED: NOVEMBER 26, 2003 : GROUP ART UNIT: 2625

FOR: IMAGE FORMING APPARATUS THAT CHECKS HARDWARE RESOURCES BEFORE ACTIVATING HARDWARE-RELATED PROGRAMS

## PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated April 4, 2008, Applicant provisionally elects with traverse Species I, and lists Claims 1-24 as readable thereon.

Applicant traverses the outstanding requirement as the outstanding requirement has not established that an undue burden would be required if the requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the claims were examined together.

Therefore, Applicant respectfully requests that the requirement to elect a single disclosed species be reconsidered and withdrawn, and that a full examination on the merits of Claims 1-68 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,

MAJER & NEUSTADT, P.C.

 $\begin{array}{c} \text{Customer Number} \\ 22850 \end{array}$ 

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<sup>&</sup>lt;sup>1</sup> See MPEP 821.01.